



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8  
nlu

In re Patent Application of Lin-Hendel : Group Art Unit: 3625  
Serial No. 09/631,238 : Examiner: Matthew S. Gart  
Filed: August 2, 2000 : Date: May 22, 2003  
For: System and Method for List :  
Shopping Over a Computer :  
Network :

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
MAY 29 2003  
GROUP 3600

PETITION TO WAIVE RULE UNDER 37 C.F.R. 1.183  
AND TO WITHDRAW HOLDING OF ABANDONMENT

Jean-Marc Zimmerman declares as follows:

1. I am an attorney at law licensed to practice before the U.S. Patent and Trademark Office. My registration number is 36,978.
2. I filed the above-identified application on August 2, 2000.
3. On or about September 9, 2002, I received an Office Action from the U.S. Patent and Trademark Office.
4. In response, on January 3, 2003, I prepared a responsive Amendment, and filed the same in the Patent Office by First Class Mail. A copy of this mailing (including the Certificate of Mailing) is attached hereto as Exhibit 1.
5. In early March, 2003, I received a telephone call from Ms. Phyllis Davis of the U.S. Patent and Trademark Office ("Patent Office") who advised me that I had failed to file a Petition for an Extension of Time to Respond ("Petition") and pay the requisite Extension Fee when I filed the aforementioned Amendment. She then advised me that the Extension Fee that had to be paid was \$55.00, and that I could submit the fee together with the Petition to the Patent Office in response to her call. I never received any written correspondence from Ms. Davis or the Patent Office regarding either the reason for her phone call or the substance of my conversation with her.
6. In response, on March 14, 2003, I mailed the Petition and the Extension Fee to the Patent Office by Express Mail. A copy of this mailing (including the Express Mail Certificate) is attached hereto as Exhibit 2.

7. In early May, 2003, Mr. Jeffrey Smith of the Patent Office contacted me by telephone and advised me that the subject application had gone abandoned because the proper Extension Fee had not been paid. Thereafter, I received an Interview Summary and a Notice of Abandonment, copies of which are attached hereto as Exhibit 3.

8. Given that I filed both the Petition and the Extension Fee (in the amount of \$55.00) in the Patent Office pursuant to instructions given to me by an employee of the Patent Office (Ms. Davis) who called me to advise me that the Petition and the fee had to be paid, Rule 1.136(a)(2) pertaining to determining the period of extension and the amount of the fee should be waived, and the holding of abandonment should be withdrawn.

9. All statements made herein of my own knowledge are true; and all statements made on information and belief are believed to be true; and that further these statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. Section 1001, and may jeopardize the validity of the application or document or any registration issuing therefrom.



Jean-Marc Zimmerman, Esq.

Reg. No. 36,978

226 St. Paul Street

Westfield, New Jersey 07090

(908) 654-8000

Dated: May 22, 2003  
Westfield, New Jersey

EXHIBIT 1

CERTIFICATE OF MAILING

I hereby certify that on January 3, 2003, I caused the Amendment for U.S. Patent Application Serial No. 09/631,238 be mailed by first class mail to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Jean-Marc Zimmerman  
Jean-Marc Zimmerman

MARKED UP VERSION

The "Marked Up Version" of the claims pursuant to 37 C.F.R. 1.121(c)(1)(ii) includes the following:

1. (AMENDED) A system for displaying galleries, showrooms, stores [and] or malls on-line, comprising:

means for displaying on an on-line display device to a viewer a scene of at least one room having at least one object therein, wherein the [display is comprised of] display means includes a data [pocket] packet;

means for displaying an object in a plurality of different still photographs each taken from equally spaced angles 360° around said object to enable the viewer to view said object from 360° around said object and enabling said object to appear to rotate on the display device; and,

command buttons enabling the viewer to virtually move both around the room and around said object when displayed in the plurality of different still photographs.

2. (AMENDED) The system according to Claim 1, wherein the at least one room is a gallery.

3. (AMENDED) The system according to Claim 1, wherein the at least one room is a showroom.

4. (AMENDED) The system according to Claim 1, wherein the at least one room is a store.

5. (AMENDED) The system according to Claim 1, wherein the at least one room is a mall.

7. (AMENDED) The system according to Claim [6] 1, wherein [the] at least one still photograph is identified by a unique frame address.

8. (AMENDED) The system according to Claim 1, wherein the displaying means [display] includes at least one video film.

9. (AMENDED) The system according to Claim 1, wherein the displaying means [display] includes at least one audio segment.

10. (AMENDED) The system according to Claim [6] 1, wherein each object in the data packet is assigned a unique identification indexed by [the] an area said each object occupies in the still photograph.

11. (AMENDED) The system according to Claim 10, wherein at least one link is assigned to said each object, thereby enabling detailed information regarding the object to be retrieved from an external database for presentation to the viewer.

EXHIBIT 2

**ZIMMERMAN & LEVI, L.L.P.**

INTELLECTUAL PROPERTY ATTORNEYS  
226 ST. PAUL STREET  
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000  
FAX: (908) 654-7207

March 14, 2003

VIA EXPRESS MAIL

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/631,238 for System and  
Method for Constructing and Displaying Active Virtual Reality Malls

Dear Sir:

Enclosed please find the following items:

1. a Request for a One Month Extension of Time to Respond that was inadvertently omitted from the responsive Amendment filed in the Patent Office on January 3, 2003, in connection with the above-identified application;
2. a check in the amount of \$55.00 to cover the requisite extension fee; and
3. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in the Patent Office of the foregoing items.

Respectfully submitted,



Jean-Marc Zimmerman  
Registration No. 36,978

JMZ/id  
enclosures  
cc: Dr. C. Lin-Hendel



Certificate of Express Mailing  
Express Mail Label No. EU587782995US  
Date of Deposit: March 14, 2003

I hereby certify that the enclosed Request for a One Month Extension of Time to Respond to an Office Action Received in connection with U.S. Patent Application Serial No. 09/631,238 for a System and Method for Constructing and Displaying Active Virtual Reality Cyber Malls together with the requisite check in the amount of \$55.00 is being sent "Express Mail Post Office Service" under 37 C.F.R. Section 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Jean-Marc Zimmerman  
Jean-Marc Zimmerman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Lin-Hendel	:	Group Art Unit: 3625
	:	
Serial No. 09/631,238	:	Examiner: M. Gart
	:	
Filed: August 2, 2000	:	Date: January 3, 2003
	:	
For: SYSTEM AND METHOD FOR	:	
CONSTRUCTING AND DISPLAYING	:	
ACTIVE VIRTUAL REALITY CYBER	:	
MALLS, SHOW ROOMS, GALLERIES,	:	
STORES, MUSEUMS, AND OBJECTS	:	
WITHIN	:	
	:	

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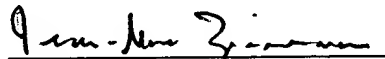
Assistant Commissioner of Patents  
Washington, D.C. 20231

REQUEST FOR ONE MONTH EXTENSION OF TIME TO RESPOND

Sir:

Pursuant to 37 C.F.R. §1.136(a)(1), applicant respectfully requests an extension of time to respond to the Office Action dated September 5, 2000 received in connection with the above-identified application. The requisite fee is enclosed herewith.

Respectfully submitted,

  
Jean-Marc Zimmerman, Esq.  
Reg. No. 36,978  
226 St. Paul Street  
Westfield, NJ 07090  
(908) 654-8000

Dated: January 3, 2003  
Westfield, New Jersey

EXHIBIT 3

**ZIMMERMAN & LEVI, L.L.P.**

INTELLECTUAL PROPERTY ATTORNEYS  
226 ST. PAUL STREET  
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000  
FAX: (908) 654-7207

January 3, 2003

VIA FIRST CLASS MAIL

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/631,238 for System and  
Method for Constructing and Displaying Active Virtual Reality Malls

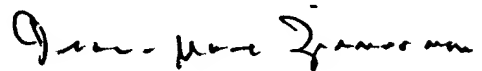
Dear Sir:

Enclosed please find the following items:

1. an Amendment in response to the Office Action received in connection with the above-identified application;
2. a substitute specification;
3. a marked up version of the amended specification;
4. a Letter to the Examiner regarding the amended figures together with the amended figures referenced therein; and
5. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in the Patent Office of the foregoing items.

Respectfully submitted,

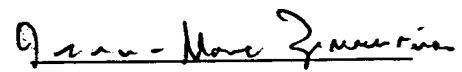


Jean-Marc Zimmerman  
Registration No. 36,978

JMZ/id  
enclosures  
cc: Dr. C. Lin-Hendel

CERTIFICATE OF MAILING

I hereby certify that on January 3, 2003 I mailed: 1) an Amendment to U.S. Patent Application Serial No. 09/631,238; 2) a substitute specification for the same; 3) a marked up version of the substitute specification; and 4) a Letter to the Examiner regarding the amended figures together with the amended figures referenced therein, by first class mail to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

  
Jean-Marc Zimmerman

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Lin-Hendel, C.

Group Art Unit: 3625

Serial No. 09/631,238

Examiner: M. Gart

Filed: August 2, 2000

Date: January 3, 2003

For: SYSTEM AND METHOD FOR  
CONSTRUCTING AND DISPLAYING  
ACTIVE VIRTUAL REALITY CYBER  
MALLS, SHOW ROOMS, GALLERIES,  
STORES, MUSEUMS, AND OBJECTS  
WITHIN

Attn: Box Non-Fee Amendment  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**AMENDMENT**

Dear Sir:

This Response is submitted in response to the Office Action received in connection with the above-identified application.

**IN THE SPECIFICATION:**

Please amend the specification pursuant to 37 C.F.R. 1.121(b)(3) and 1.125(b).

(1) A substitute specification is attached herewith in compliance with 37 C.R.R. 1.125(b).

(2) A marked up version of the amended specification pursuant to 37 C.F.R. 1.121 (b)(3)(iii) is also attached.

**IN THE CLAIMS:**

Please amend the Claims as follows shown in "Clean Form" pursuant to 37 C.F.R. 1.121(c)(1)(i). A "Marked Up Version" of the claims immediately follows this amendment pursuant to 37 C.F.R. 1.121(c)(1)(ii).

**CLEAN FORM**

1. (AMENDED) A system for displaying galleries, showrooms, stores or malls on-line, comprising:

means for displaying on an on-line display device to a viewer a scene of at least one room having at least one object therein, wherein the display means includes a data packet;

means for displaying an object in a plurality of different still photographs each taken from equally spaced angles 360° around said object to enable the viewer to view said object from 360° around said object and enabling said object to appear to rotate on the display device; and,

command buttons enabling the viewer to virtually move both around the room and around said object when displayed in the plurality of different still photographs.

2. (AMENDED) The system according to Claim 1, wherein the at least one room is a gallery.

3. (AMENDED) The system according to Claim 1, wherein the at least one room is a showroom.

4. (AMENDED) The system according to Claim 1, wherein the at least one room is a store.

5. (AMENDED) The system according to Claim 1, wherein the at least one room is a mall.

Please cancel Claim 6.

7. (AMENDED) The system according to Claim 1, wherein at least one still photograph is identified by a unique frame address.

8. (AMENDED) The system according to Claim 1, wherein the displaying means includes at least one video film.

9. (AMENDED) The system according to Claim 1, wherein the displaying means includes at least one audio segment.

10. (AMENDED) The system according to Claim 1, wherein each object in the data packet is assigned a unique identification indexed by an area said each object occupies in the still photograph.

11. (AMENDED) The system according to Claim 10, wherein at least one link is assigned to said each object, thereby enabling detailed information regarding the object to be retrieved from an external database for presentation to the viewer.

Please cancel Claim 15

Please cancel Claim 19.

Please add the following new claim.

-- 20. (NEW) A system for displaying galleries, showrooms, stores or malls on-line, comprising:

means for displaying on an on-line display device to a viewer a scene of at least one room having at least one object therein, wherein when one object appears in a plurality of frames, said one object is cut out from each frame, given a unique identification, and assigned a link to a data storage device that stores data associated with said one object and wherein the



on-line display of the at least one object includes audio stories, an enlarged still image, textual descriptions, buy and bid frames, and videos;

means for displaying an object of the enlarged still image in a plurality of different still photographs each taken from equally spaced angles  $360^{\circ}$  around said object to enable the viewer to view said object from  $360^{\circ}$  around said object and enabling said object to appear to rotate on the display device; and,

command buttons enabling the viewer to virtually move both around the room and around said object when displayed in the plurality of different still photographs.--

### **REMARKS**

Consideration of the amendments to the application is respectfully requested. The amendments are made pursuant to 37 C.F.R. 121. No new matter has been entered.

### **STATUS OF THE CLAIMS**

Claims 1-5, 7-14, 16-18 and 20 are pending.

Claim 20 has been added.

Claims 1-5 and 7-11 have been amended.

Claims 6, 15 and 19 have been cancelled.

### **DRAWINGS**

Referring now to the section "Drawing" of the Office Action, the drawings have been amended in accordance with the Examiner's suggestions. Attached herewith is a separate letter to the Examiner requesting approval of the amendments to the drawings and the amended drawings.

As to the color photographs, Applicant no longer intends to submit formal drawings in color.

In view of the above, the objections to the drawings should be withdrawn.

### **SPECIFICATION**

Referring now to the section "Specification" of the Office Action, the specification has been objected to because of the reference to FIGS. 2 and 3. A substitute specification is attached herewith to correct the Examiner's objection.

The reference numerals added to the specification have been added to the drawings.

The amendments to the specification and the substitute specification do not add new matter to the specification.

Regarding the amendments, the amendments to the "BRIEF DESCRIPTION OF THE DRAWINGS" simply rewrites a brief description of the drawings for clarity.

The text related to FIGURES 2A, 2B and 2C in the "BRIEF DESCRIPTION OF THE DRAWINGS" has been added to the beginning of the "DETAILED DESCRIPTION OF THE EMBODIMENT OF THE INVENTION".

Reference to FIG. 1, FIG. 2 and FIG. 3 has been omitted or changed to properly correspond to the Figure numbers shown on the drawings originally filed.

The text describing FIGURES 3D-3F in the "BRIEF DESCRIPTION OF THE DRAWINGS" has been edited so that duplication in the "DETAILED DESCRIPTION OF THE EMBODIMENT OF THE INVENTION" has been substantially minimized. Any text related to FIGURES 3D-3F in "BRIEF DESCRIPTION OF THE DRAWINGS" as originally filed and not found in the "DETAILED DESCRIPTION OF THE EMBODIMENT OF THE INVENTION" has been added to the "DETAILED DESCRIPTION OF THE EMBODIMENT OF THE INVENTION".

In view of the above, the objections to the specification should be withdrawn.

## **CLAIMS**

### **Rejection under 35 U.S.C. 112, second paragraph**

The Claim 1 has been amended to overcome the rejection related to "the object" in Claims 10, 13, 14 and 16.

In view of the above, the rejection under 35 U.S.C. 112, second paragraph should be withdrawn.

**Rejection under 35 USC 102(e) as being anticipated by  
Kenny (US 6,026,376)**

Regarding the section "Claim Rejections 35 USC 102" of the Office Action, the Examiner rejects Claims 1-14 and 16-18 under 35 U.S.C. 102(e) as being anticipated Kenny (US 6,026,376). Claim 1 has been amended to incorporate the limitations of Claim 15 and 19.

**Rejection under 35 USC 103(a) as being unpatentable over  
Kenny (US 6,026,376) in view of Hot Picks**

Regarding Claims 15 and 19, the Examiner acknowledges that Kenny '376 does not include control buttons and 360 degree rotation around an object. Thus, the Examiner relies on "Hot Picks" for "command buttons enabling the viewer to virtually move both around the room and around said object" and the "plurality of different still photographs each taken from equally spaced angles 360° around said object to enable the viewer to view said object from 360° around said object and enabling said object to appear to rotate on the display device," as claimed.

First, Applicant disagrees with the characterization of "Hot Picks" by the Examiner in that the "Hot Picks" references does not describe the display of "a plurality of different still photographs each taken from equally spaced angles 360° around the object." The "Hot Picks" reference is completely silent with regard as to the manner of implementation of its "360 degree" rotation. Since, the Examiner acknowledges that Kenny '376 does not teach the "360 degree" rotation, the combination cannot teach such claimed limitations. Furthermore, Kenny '376 uses a video camera to view a room and does not described the use of "a plurality of different still photographs".

Second, there is no suggestion except applicant's own disclosure to incorporate a rotating "skull" into the shopping environment of Kenny '376 or any 360 degree rotation.

Third, there is **no teaching** that the command buttons in the "Hot Picks" provides for "moving both around the room and around said object," as claimed. The Examiner acknowledges that Kenny '376 **does not** include the "command buttons," as claimed.

Accordingly, Claim 1 is allowable over the prior art of record.

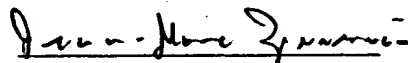
Claims 2-5, 7-14 and 16-18 depend directly or indirectly from Claim 1, thus for the reasons set forth above with regard to Claim 1, such claims are allowable over the prior art of record.

Regarding new Claim 20, Claim 20 contains similar limitations to Claim 1. Thus, for the reasons set forth above, are allowable over the prior art of record.

#### **CONCLUSION**

In view of the foregoing remarks and amendments, the Applicant believes that they have overcome all of the examiner's basis for rejection, and that this application therefore stands in condition for allowance. However, if the Examiner is of the opinion that such action can not be taken, the Applicant requests that he contact their undersigned attorney at (908) 654-8000 in order to resolve any outstanding issues without the necessity of issuing another Office Action.

Respectfully submitted,



Jean-Marc Zimmerman, Esq.  
Reg. No. 36,978  
226 St. Paul Street  
Westfield, New Jersey 07090  
(908) 654-8000

Dated: January 3, 2003  
Westfield, New Jersey

05 - 27 - 03

3625



ZIMMERMAN & LEVI, L.L.P.

INTELLECTUAL PROPERTY ATTORNEYS  
226 ST. PAUL STREET  
WESTFIELD, NEW JERSEY 07090

TEL: (908) 654-8000  
FAX: (908) 654-7207

RECEIVED

MAY 29 2003

GROUP 3600

WRITER'S E-MAIL  
jean-marc@zimmermanlevi.com

May 22, 2003

VIA EXPRESS MAIL

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/631,238  
for System and Method for List Shopping  
Over a Computer Network

Dear Sir:

Enclosed please find the following items in connection with the above-identified application:

1. a Petition To Waive Rule Under 37 C.F.R 1.183 and to Withdraw Holding Of Abandonment; and
2. a stamped, self-addressed postcard.

Kindly stamp and return the postcard to the undersigned upon receipt in the Patent Office of the foregoing items.

Respectfully submitted,

Jean-Marc Zimmerman  
Registration No. 36,978

JMZ/pf  
enclosures



Certificate of Express Mailing  
Express Mail Label No. EU587599310US  
Date of Deposit: May 22, 2003

I hereby certify that the enclosed Petition to Waive Rule Under 37 C.F.R 1.183 and to Withdraw Holding Of Abandonment in connection with U.S. Patent Application Serial No. 09/631,238 are being sent "Express Mail Post Office Service" on the date indicated above and are addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jean-Marc Zimmerman  
Jean-Marc Zimmerman

**RECEIVED**  
MAY 29 2003  
**GROUP 3600**